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Attorneys for Defendants SOFTBANK HOLDINGS, INC.
SOFTBANK AMERICA, INC. and SOFTBANK
CORPORATION

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE UTSTARCOM, INC. SECURITIES
LITIGATION) Master File No. C-04-4908-JW (PVT)
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)
) Stipulation and [PROPOSED] ORDER
) Modifying the February 17, 2010 Scheduling
) Order re: EXPERT DISCOVERY
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This Document relates to:)
ALL ACTIONS)
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Pursuant to Civil L.R. 7-12, the parties hereby stipulate as follows:

WHEREAS, pursuant to the Court's February 17, 2010 Scheduling Order (the "Scheduling Order"), the close of all discovery, including expert and fact discovery, is currently set for October 15, 2010:

WHEREAS, the parties have diligently pursued discovery, including propounding and responding to several sets of documents requests, interrogatories and requests for admission, and continue to move forward with discovery:

1 WHEREAS, the Court has made clear that it wishes to maintain the current date for
 2 hearing dispositive motions;

3 WHEREAS, the parties believe that, except for the deposition of Mr. Hong Liang Lu,
 4 October 15, 2010 is a reasonable deadline for the completion of fact discovery given the scope of
 5 discovery and the international aspects of this case;

6 WHEREAS, counsel for Mr. Lu, the SoftBank defendants and plaintiffs have met and
 7 conferred extensively concerning the scheduling of Mr. Lu's deposition given that he now resides in
 8 China, and cannot make himself available for a deposition in San Francisco on a date or dates when
 9 counsel for plaintiffs are available until the week of October 25, 2010;

10 WHEREAS, under the Scheduling Order, the disclosure of expert witnesses is due
 11 August 13, 2010, the disclosure of rebuttal expert witnesses is due August 27, 2010, and motions to
 12 exclude expert testimony are due August 30, 2010;

13 WHEREAS, after taking the Court's July 26, 2010 Order into consideration, the parties
 14 have met and conferred and have agreed to respectfully seek modification of the Scheduling Order for
 15 the limited purposes of allowing for a brief continuation of discovery with respect to the deposition of
 16 Mr. Hong Lu and a modification to the schedule for disclosure of expert witnesses;

17 WHEREAS, the proposed modifications do not otherwise alter the discovery cut-off date,
 18 the date for filing dispositive motions, or the hearing of dispositive motions as originally set forth in the
 19 Scheduling Order.

20 IT IS THEREFORE STIPULATED by the undersigned, subject to the Court's approval,
 21 that the Scheduling Order be modified as follows:

August 30, 2010	Hearing on Final Approval of Partial Settlement 10:00 a.m. (unchanged)
September 10, 2010	Preliminary Pretrial Conference Statements due (unchanged); Expert Witness Disclosures and Reports due
September 20, 2010	Prelim. Pretrial Conf. at 11:00 a.m. (unchanged)
September 24, 2010	Rebuttal Expert Witness Disclosures and Reports due

September 27, 2010 to October 15, 2010	Depositions of Expert Witnesses
October 15, 2010	Close of Discovery (unchanged except for deposition of Hong Liang Lu)
November 8, 2010	Motions for Summary Judgment due (unchanged) and Motions to Exclude Expert Testimony due
November 22, 2010	Oppositions to Motions for Summary Judgment due (unchanged) and Oppositions to Motions to Exclude Expert Testimony due
November 29, 2010	Reply Briefs in Support of Motions for Summary Judgment due (unchanged) and Reply Briefs in Support of Motions to Exclude Expert Testimony due
December 13, 2010	Hearing for dispositive motions (Motions for Summary Judgment) (unchanged) and hearing for Motions to Exclude Expert Testimony

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: August 2, 2010

/s Jason de Bretteville
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Attorneys for Softbank Holdings, Inc.
 Softbank America, Inc. and
 Softbank Corporation

Dated: August 2, 2010

/s Shirley Huang
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 Shirley Huang
 Daniel J. Pfefferbaum

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9 Lead Counsel for Plaintiffs

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 11 I, Jason de Bretteville, am the ECF User whose ID and password are being used to file this
 Stipulation and [Proposed] Order Modifying the February 17, 2010 Scheduling Order. In compliance
 12 with General Order 45, X.B., I hereby attest that Shirley Huang has concurred in this filing.

13 /s Jason de Bretteville

14 Jason de Bretteville

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16 O R D E R

17 Pursuant to the foregoing stipulation, and for good cause appearing, the schedule of the case is as
 modified follows:

August 30, 2010	Hearing on Final Approval of Partial Settlement 10:00 a.m. (unchanged)
September 10, 2010	Preliminary Pretrial Conference Statements due (unchanged); Expert Witness Disclosures and Reports due
September 20, 2010	Prelim. Pretrial Conf. at 11:00 a.m. (unchanged)
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December 13, 2010	Hearing for dispositive motions (Motions for Summary Judgment) (unchanged) and hearing for Motions to Exclude Expert Testimony

10 IT IS SO ORDERED.
 11 DATED: August 9, 2010

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 13 THE HONORABLE JAMES WARE
 14 UNITED STATES DISTRICT JUDGE
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